

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 12-cr-20095

v.

Honorable Thomas L. Ludington

KELLI RAE SMITH,

Defendant.

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ORDER DENYING MOTION FOR RECONSIDERATION

On December 24, 2015, Defendant Kelli Rae Smith filed a motion for the retroactive application of sentencing guidelines. ECF No. 54. Her motion was denied because even with the benefit of the modified offense level increases for amount of loss, Smith's sentence still is within the applicable Guidelines range. ECF No. 59. She has moved for reconsideration of that order. In her motion she does not show: "(1) a palpable defect, (2) the defect misled the court and the parties, and (3) that correcting the defect will result in a different disposition of the case." *Michigan Dept. of Treasury v. Michalec*, 181 F. Supp. 2d 731, 733-34 (E.D. Mich. 2002) (quoting E.D. Mich. LR 7.1(g)(3)). She asks only that the Court reconsider its decision not to amend her sentence. That issue was adjudicated in the Court's February 11, 2016 Order denying her motion for a sentence reduction. It will not be revisited here.

Accordingly, it is **ORDERED** that Defendant's motion for reconsideration, ECF No. 61, is **DENIED**.

Dated: April 4, 2016

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 4, 2016.

s/Michael A. Sian
MICHAEL A. SIAN, Case Manager